

MITIGATED NEGATIVE DECLARATION

August 17, 2006

Project Name: Williams TPM

Project Number(s): TPM 20875RPL², Log No. 04-14-036

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for water quality (stormwater) and biology
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

Biology

1. Prior to approval of grading permits or improvement plans, and prior to approval of the Parcel Map, the applicant shall:
 - A. Grant to the County of San Diego and the California Department of Fish and Game an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Open Space Exhibit dated **January 19, 2006**, on file with the Department of Planning and Land Use as Environmental Review Number 04-14-036. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exceptions to this prohibition are:

- (1) Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts, and any subsequent amendments thereto.
- (2) Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.
- (3) Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

- B. The open space easement for biological resources shall also be an open space easement for the protection of steep slopes under the Resource Protection Ordinance.
- 2. Prior to issuance of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:
 - A. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated **January 19, 2006**, on file with the Department of Planning and Land Use as Environmental Review Number 04-14-036. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:
 - (1) Decking, fences, and similar facilities.
 - (2) Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
 - B. The Limited Building Zone Easement shall also be an open space easement for the protection of steep slopes under the Resource Protection Ordinance.
- 3. Prior to obtaining any building or grading permit, the applicant shall:
 - A. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The applicant shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of

an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

4. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:
 - A. Install permanent fences or walls to protect dedicated open space from inadvertent disturbance by grading, brushing or clearing. Permanent fences or walls are required in all locations of the project as shown on the Open Space Fencing Plan dated **January 19, 2006**, on file with the Department of Planning and Land Use as Environmental Review Number 04-14-036. The fence or wall shall be a minimum of four feet (4') high and consist of strand wire, split rail, or similar material. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been installed. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. The permanent fencing condition shall be released on a parcel-by-parcel basis.
5. Prior to the approval of grading or improvement plans and prior to the approval of the Parcel Map, the applicant shall:
 - A. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Signage Exhibit dated **January 19, 2006**, on file with the Department of Planning and Land Use as Environmental Review Number 04-14-036. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that

permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 04-14-036"

6. Prior to approval of grading or improvement plans, and prior to approval of the Map, the applicant shall:
 - A. Provide for the approval of the Director of Planning and Land Use evidence that 0.14 acres of Tier II or higher Tier habitat credit has been secured in a County approved mitigation bank located within the MSCP. Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - (1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - (2) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - (3) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - (4) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.14 acres of Tier II or higher Tier habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Habitat Management Plan (HMP) for the habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

7. Cause to be placed on grading and/ or improvement plans and on the Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub habitat and southern mixed chaparral during the avian breeding season. This is defined as occurring between March 1 and August 15. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no California gnatcatchers are present in the vicinity of the brushing, clearing or grading."
 8. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas of 1 acre or greater require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
3. Critical Project Design Elements That Must Become Conditions of Approval:
- The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

Steep Slopes

1. Prior to issuance of grading or construction permits or on the Final Map (or Parcel Map), whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement over portions of Parcels 1 and 2 as shown on the Steep Slopes – Open Space Easement map dated May 10, 2006. This easement is for the protection of steep slope lands and coincides in many locations with the easement for biological resources except for inclusion of steep slopes to the north. The following are prohibited on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exceptions to this prohibition are as follows:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- c. Construction, use, and maintenance of septic systems, on Parcels 1 and 2 in the location shown on VPM 146, as approved by the Department of Environmental Health.

- d. Construction, use, and maintenance of existing and proposed road/driveways, as shown on the Tentative Parcel Map.
- e. The existing shed on Parcel 1.

DEPARTMENT OF PUBLIC WORKS CONDITIONS

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
2. The following conditions shall be complied with before a Parcel Map is approved by the County of San Diego, Department of Public Works, and filed with the County Recorder of San Diego County:
 - a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels.
 - b. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is adequate sight distance in both directions from project access along Eucalyptus Drive, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
 - c. Lines of inundation to the limits of the 100-year flood along the watercourses, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.

- (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year inundation limits and annotate the limits on a copy of the Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.
3. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP, OR LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" FOR CONDITIONS THAT REMAIN TO BE COMPLETED.
 - a. The private easement road, from Parcel 2 to Eucalyptus Drive, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
 - b. The private easement road (Eucalyptus Drive), from Parcel 1 to publicly maintained portion of Eucalyptus Drive, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
 - c. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, including all slopes, from Parcel 2 to Eucalyptus Drive, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."

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- d. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road (Eucalyptus Drive), including all slopes, from Parcel 1 to publicly maintained portion of Eucalyptus Drive, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, AICP, Planning Manager
Regulatory Planning Division

JF:FWB:jcr

cc: Elliott M. May, 9880 N. Magnolia Avenue, #205, Santee, CA 92071
Vincent N. Scheidt, 3158 Occidental Street, San Diego, CA 92122-3205
Edwin Sinsay, Project Manager, Department of Public Works, M.S. 0336
Flores Bishop, AICP, Project Manager, Department of Planning and Land Use,
M.S. 0650

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